

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ASSET RECOVERY ASSOCIATES,
LLC as assignee for the benefit of
creditors for AtlantaFresh Artisan
Creamery, LLC,

Plaintiff,

v.

WHOLE FOODS MARKET GROUP,
INC., et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-2629 -TWT

OPINION AND ORDER

This is a breach of contract action. It is before the Court on the Plaintiff's Motion for Partial Summary Judgment [Doc. 85] The Plaintiff's Motion for Partial Summary Judgment is DENIED as moot in light of the Court's order dated March 15, 2022 (the "March 15 Order"). *See Asset Recovery Assocs., LLC v. Whole Foods Mkt. Grp., Inc.*, 2022 WL 783972 (N.D. Ga. Mar. 15, 2022). There, the Court held that Defendants Whole Foods Market Group, Inc. and Whole Foods Market Rocky Mountain/Southwest, LP (collectively, "Whole Foods") had the right to terminate a supply contract with AtlantaFresh Artisan Creamery, LLC without cause. *Id.* at *4-5. Accordingly, the Court granted summary judgment to Whole Foods on the Plaintiff's Count II for breach of

contract—the same claim on which the Plaintiff now seeks partial summary judgment. *Id.* at *5. (*See also* Pl.’s Br. in Supp. of Pl.’s Mot. for Partial Summ. J., at 1.) While the Plaintiff expects to file a motion for reconsideration as to the March 15 Order, the pending Motion for Partial Summary Judgment should be denied at this time. (Reply. Br. in Supp. of Pl.’s Mot. for Partial Summ. J., at 2-3.)

SO ORDERED, this 15th day of April, 2022.

A handwritten signature in blue ink, reading "Thomas W. Thrash, Jr.", written over a horizontal line.

THOMAS W. THRASH, JR.
United States District Judge